

AGENDA
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall - 301 Main Street
January 12, 2005
7:00 PM

1. Call to Order
2. Roll Call
3. Approve Minutes
 - Regular Meeting November 10, 2004 **APPROVED**
4. Citizen Comments
5. Public Hearings
 - **Application No. UP-652-05, Tidewater Development Company, LLC:** Request for a Special Use Permit, pursuant to Section 24.1-466(h) of the York County Zoning Ordinance, to authorize a retail center of more than 80,000 square feet of gross floor area located at 6690 Mooretown Road (Route 603) and a portion of 6500 Mooretown Road, further identified as Assessor's Parcel Nos. 2-19-B3 and 2-34. The application includes a minor amendment to Special Use Permit UP-624-03, granted to Home Depot for a home improvement center, to allow for a joint access area between the two developments. The 36.1-acre property is located on the east side of Mooretown Road, approximately 1500 feet south of its intersection with East Rochambeau Drive (Route F137). The property is zoned EO (Economic Opportunity) and is designated for Economic Opportunity development in the Comprehensive Plan.
RECOMMENDED APPROVAL
 - **Application No. UP-654-05, Apple Door Systems:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance, to authorize a contractor's shop with outdoor storage. The property is located at 1625 Merrimac Trail (Route 143) and is further identified as Assessor's Parcel No. 15-10-3. The property is located on the northeast side of Route 143 approximately 500 feet northwest of its intersection with Parchment Boulevard (Route 1142). The property is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.
RECOMMENDED APPROVAL
 - **Application No. UP-655-05, FF Acquisition, LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162). The proposed gas pumps would be accessory to the existing Farm Fresh grocery store. The property, further identified as Assessor's Parcel No. 10-5-2, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan. **RECOMMENDED APPROVAL**
6. Old Business
7. New Business
 - Consider Revised Planning Commission Schedule for 2005 (PC05-4) **APPROVED**

Agenda

York County Planning Commission

Page 2

8. Staff Reports/Recent Actions by the Board of Supervisors
9. Committee Reports
10. Commission Reports and Requests
11. Adjourn

Index File

UP-652-05

Tidewater Development Company, LLC

6500 & 6690 Mooretown Road

Assessor's Parcel Nos. 2-19-B3 and 2-34 (portion)

Description:

This application requests a Special Use Permit to authorize a retail center of more than 80,000 gross square feet on an approximately 36-acre portion of two parcels with a combined area of 177.4 acres; and a minor amendment to authorize expansion of an existing joint access area between the proposed development and the existing Home Depot site.

Attachments:

1. Staff Report
2. Zoning map
3. Conceptual Plan
4. Building Elevation
5. Proposed Resolution No. PC05-1

COUNTY OF YORK

MEMORANDUM

DATE: January 5, 2005 (PC Mtg. 1/12/05)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-652-05, Tidewater Development Company, LLC, Williamsburg Marketcenter

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-466(h) of the York County Zoning Ordinance, to authorize a retail center of more than 80,000 gross square feet on an approximately 36-acre portion of two parcels with a combined area of 177.4 acres. The site is located at 6500 and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-19-B3 and 2-34 (portion). The application also includes a minor amendment to Special Use Permit UP-624-03, granted to Home Depot for a home improvement center, to authorize expansion of an existing joint access area between the two developments. The property is located on the east side of Mooretown Road, approximately 1500 feet south of its intersection with East Rochambeau Drive (Route F137).

DESCRIPTION

- Property Owner: Bulifants, L.P.
- Location: 6500 (portion) and 6690 Mooretown Road (Route 603)
- Area: Approximately 36 acres, plus a 0.8 acre proposed joint access easement
- Frontage: Approximately 1400 feet on Mooretown Road
- Utilities: The property is currently served by public water and sewer
- Topography: Varied
- 2015 Land Use Map Designation: Economic Opportunity
- Zoning Classification: EO – Economic Opportunity
WMP – Watershed Management and Protection overlay
EMA – Environmental Management Area overlay

- Existing Development: Vacant

- Surrounding Development:

North: Home Depot home improvement center

East: Vacant

South: Regional storm water management pond, Michael Commons
office/commercial center beyond

West: Williamsburg Community Hospital (under construction) across Mooretown
Road

- Proposed Development: 184,518 square-foot retail center with four adjacent
outparcels

CONSIDERATIONS/CONCLUSIONS

1. The applicant proposes to subdivide a parcel of approximately 36 acres (including four outparcels) from the combined 177.4-acre subject parcels to construct the proposed retail center. The total area subject to the Special Use Permit (SUP) includes an additional 0.8-acre containing a joint access area to be shared with the adjacent Home Depot center. Four proposed outparcels are shown fronting on Mooretown Road. A fifth outparcel, labeled “potential future outparcel” on the applicant’s sketch plan and abutting the northwest side of Michael Commons, is not a part of this application.
2. The Comprehensive Plan designates this area for Economic Opportunity, and the property is zoned EO (Economic Opportunity). This designation is intended to promote a mix of commercial, tourist-related and limited industrial uses, and emphasis is placed on capital- and labor-intensive uses. Current uses in the area of the subject site include Williamsburg Community Hospital, Lowe’s, Wal-Mart, Michael Commons, a Sonic drive-through restaurant and Home Depot. Surrounding zoning includes EO to the north, south and west and RR (Rural Residential) to the east. The property is subject to the WMP (Watershed Management and Protection Area) and the EMA (Environmental Management Area) overlay districts. The property’s eastern boundary borders Queen Creek, which is a tributary stream draining directly into Waller Mill Reservoir.
3. Quality architectural and landscape design is emphasized in the Comprehensive Plan Sub-area Description for this area of the County as well as in the Economic Opportunity Land Use Designation section. Architectural renderings of the building illustrate façade materials of pre-cast brick panels and beige EIFS with white trim. In staff’s opinion, the architectural elevations submitted by the applicant fulfill design goals contained in the referenced sections of the Comprehensive Plan. Economic Opportunity district regulations require

monument style freestanding signage, and the applicant proposes a monument sign at the main entrance to the development.

In accordance with Section 24.1-245 of the Zoning Ordinance, the Mooretown Road frontage of the subject site is subject to greenbelt regulations, which require a 45-foot wide landscaped open space area along Mooretown Road. The applicant's sketch plan indicates this area as a landscape preservation easement.

Under Section 24.1-244(b) of the Zoning Ordinance, a 10-foot landscaped open space strip is required around the perimeter of all buildings. In accordance with Section 24.1-245(a), building perimeter landscaping is not required for the rear of buildings located on parcels subject to greenbelt regulations. Therefore, building perimeter plantings would be required only for the front and sides of the proposed buildings. The applicant's sketch plan does not indicate these plantings, and such landscaping will be required pursuant to site plan approval.

In order to facilitate screening of the parking lot, staff is recommending evergreen and deciduous trees with evergreen shrubs be installed along the northeastern side of the proposed outparcels. A proposed approval condition addresses this issue.

4. Water quality and storm water runoff are of substantial concern in this area. Under the Watershed Management Protection (WMP) overlay district provisions of the Zoning Ordinance, the northern and eastern end of the property is subject to 200-foot stream buffers associated with Queen Creek (stream contributing to the Waller Mill Reservoir). Under the Environmental Management Area (EMA) overlay district standards of the Zoning Ordinance (Chesapeake Bay Preservation Act requirements), all perennial streams are subject to a 100-foot stream buffer, which would include Queen Creek and any of its' perennial tributaries. Staff recommends there be no reduction of the 200-foot WMP buffers for streams within the subject site, and an approval condition addresses this issue. A regional storm water pond has been constructed on the property abutting the southern end of the site, and runoff from the site would be directed through this facility. This pond was designed to accommodate runoff from the applicant's site.

County GIS maps indicate a perennial stream within an existing ravine transecting the northern end of the site. Based on field investigation, County Environmental and Development Services staff have determined that the actual limits of the stream are contained within the 200-foot WMP buffer for Queen Creek, and that the area to be filled for the proposed development is outside of any WMP protection areas. A second stream is shown underlying the site's proposed southeastern property line, running between Queen Creek and the existing storm water management pond located off the northwestern end of the Michael Commons development. Development in the area of this stream would be subject to applicable WMP and EMA buffer regulations.

5. The Environmental and Development Services Utilities Division has indicated that the development as proposed would require a new gravity sewer and pump station for sanitary sewer service. A proposed approval condition addresses this requirement.
6. According to the ITE (Institute of Transportation Engineers) *Trip Generation* manual (7th edition), the proposed retail center can be expected to generate approximately 15,700 vehicle trips per day on Mooretown Road, including 339 in the AM peak hour and 1,467 in the PM peak hour. Mooretown Road is a major collector road that is becoming a minor arterial as new development occurs and traffic volumes increase. Pursuant to Section 24.1-252 of the Zoning Ordinance, no more than one entrance would typically be permitted for a development on Mooretown Road; however, the subject property has sufficient road frontage to warrant a second entrance. The applicant has requested a *third* entrance, which would be limited to right turns in and out, in addition to the two signalized entrances that would be aligned with the Williamsburg Community Hospital entrances on the opposite side of Mooretown Road. (Traffic signals will be warranted at both hospital entrances, with or without the proposed retail center.)

The Zoning Ordinance specifies that the third entrance can only be permitted if the need for and safety of such is substantiated by a traffic impact analysis that includes full analyses of the transportation system with and without the requested entrance. In addition, the traffic study must also demonstrate by the use of recognized progression and queuing analyses or simulations that the additional entrance, if permitted, will not degrade the traffic flow characteristics or the traffic carrying capacity of the street. The applicant has submitted a traffic impact analysis, which merely asserts that traffic volumes at the joint entrance with Home Depot are relatively small and that “there should be no conflicts” with the third entrance. In staff’s opinion, this fails to meet the standard for demonstrating that the third entrance is in fact needed and would not adversely affect traffic flow on Mooretown Road.

Staff believes it is important to limit the number of access points on Mooretown Road in order to preserve its carrying capacity. Besides creating additional conflict points, unsignalized driveways along arterial roads impede traffic flow and, in so doing, reduce road capacity.¹ This is why the County has required developers (International Center, Home Depot out-parcels, Wachovia Bank) to record restricted access easements along Mooretown Road as a condition of development plan approval. Currently this segment of Mooretown Road carries only an estimated 5,000 vehicles per day and operates at an acceptable Level of Service, but as development occurs – including the new Williamsburg Community Hospital, which at full build-out (586,000 square feet of hospital space and 400,000 square feet of medical office space) is estimated to generate

¹ It is estimated that the capacity of a four-lane arterial street with a 45 mph speed limit will be reduced by over 1% for every 2% of the traffic that turns between the right lane and driveways at unsignalized driveway locations.

approximately 24,000 vehicle trips per day by itself – the Level of Service is likely to deteriorate. Growing budget shortfalls at the state level make it increasingly unlikely that funding will be available in the future for improvements to Mooretown Road in the event that they become necessary. It is important; therefore, that the County take what steps it can through the development approval process to utilize good design techniques, such as access management, that will help prevent traffic problems from occurring. Limiting access to this proposed center to two signaled entrances would be in keeping with the design of similar large retail centers in the immediate region. For example, the Monticello Marketplace center, which has a similar building and parking layout, was developed without supplemental right-in right-out entrances. A proposed approval condition addresses these concerns.

RECOMMENDATION

The Route 199 and Mooretown Road corridors have been planned for a mix of retail, office, light industrial, and tourist-oriented development. The proposed retail center is compatible with existing large-scale retail and restaurant uses and the hospital located in the immediate vicinity. Therefore, based on the considerations outlined above, staff recommends that the Commission forward Application No. UP-652-05 to the Board of Supervisors with a recommendation of approval. This can be accomplished through the adoption of Resolution No. PC05-1.

Attachments:

- Zoning Map
- Conceptual Plan
- Building Elevation
- Proposed Resolution No. PC05-1

AMP

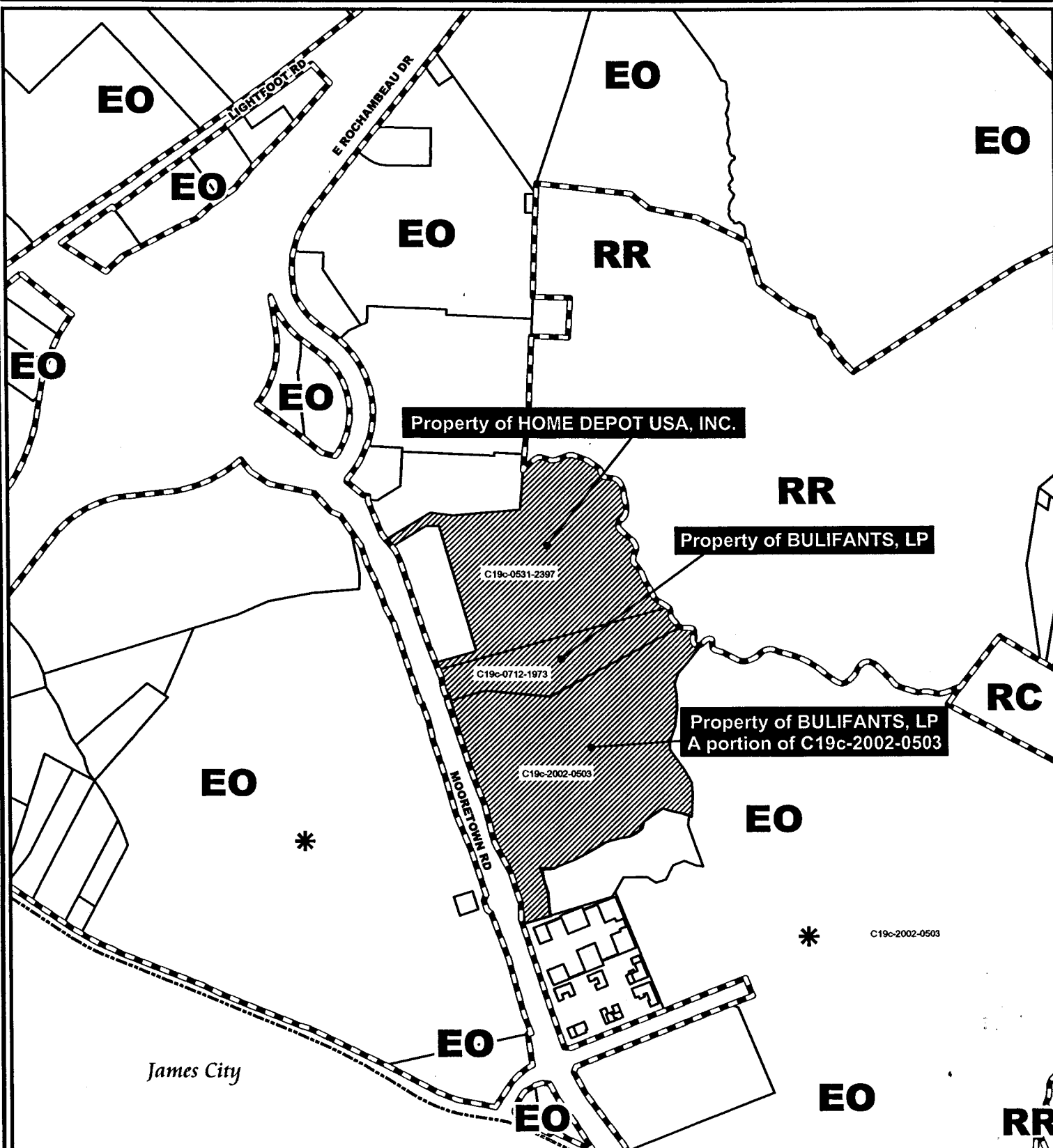
APPLICANT
Tidewater Development Co.

Installation of Retail Center

C19c-0531-2397, C19c-0712-1973, and a portion of C19c-2002-0503

ZONING MAP

APPLICATION NUMBER: UP-652-05



* = Conditional Zoning

0 350 700 1,400 Feet

Printed on December 16, 2004



LIBRARY TILE NUMBER:

Lr002

**SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE**

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

Mooretown Road & State Route 199
York County, Virginia
Special Use Permit Conceptual Plan
November 30, 2004

LEASING & DEVELOPMENT
ROBERT BROWN & ASSOCIATES, INC.

5400 Lakehurst Drive, Suite 104
Storrs, CT 06268
(860) 481-0001 (fax) (860) 481-1839

DEVELOPMENT TABULATIONS;
ECONOMIC DEVELOPMENT (EO)

PARCEL AREA (INCLUDING OUTPARCELS) 36.1± ACRES
GROSS BUILDING AREA: 183,518± SF. 4.2± ACRES
PARKING LOT IMPERVIOUS: 374,175± SF. 8.6± ACRES

PARKING REQUIREMENTS:
RETAIL USE @ 4 SPACES/1000

TYPE PARKING;
REGULAR

TOTAL PARKING

LANDSCAPE REQUIREMENTS:

PROPERTY LINE (TYP)

REQUIRED	PROVIDED
31,042 S.F.	30,718 S.F.
(7.5% OF PARKING LOT)	
0' B'LOC PERIMETER (FRONT)	0.468 S.F.
1.3335 S.F.	13,005 S.F.
0' B'LOC PERIMETER (REAR, SIDES)	16,055 S.F.

* 50% OF 10' FRONT BUILDING PERIMETER SHALL BE PERMANENTLY INSTALLED LANDSCAPE SPACE, DESIGN TO BE DETERMINED AT SITE PLAN.

* TRANSFERRED TO PARKING LOT AND SOUTHEAST SIDE YARD PER YORK COUNTY.

TEENANT	SPACE DIMENSION	GROSS AREA
ANCHOR B	72'5" x 100'	7,450 SF
STORE 1	166'10" x 100'	16,600 SF
ANCHOR C	66'10" x 100'	6,600 SF
STORE 2	166'10" x 100'	16,600 SF
ANCHOR D	121'2" x 240'	29,060 SF
STORE 3	240' x 60'	14,400 SF
STORE 4	40' x 60'	2,400 SF
STORE 5	40' x 60'	2,400 SF
STORE 6	40' x 60'	2,400 SF
STORE 7	40' x 60'	2,400 SF
STORE 8	40' x 60'	2,400 SF
STORE 9	40' x 60'	2,400 SF
STORE 10	42' x 60'	2,520 SF
STORE 11	85' x 142'	16,200 SF
STORE 12	20' x 60'	1,200 SF
STORE 13	20' x 60'	1,200 SF
STORE 14	20' x 60'	1,200 SF
STORE 15	20' x 60'	1,200 SF
STORE 16	20' x 60'	1,200 SF
STORE 17	20' x 60'	1,200 SF
STORE 18	20' x 60'	1,200 SF
STORE 19	20' x 60'	1,200 SF
STORE 20	20' x 60'	1,200 SF
STORE 21	20' x 60'	1,200 SF
STORE 22	37' x 48'	1,776 SF
STORE 23	37' x 48'	1,776 SF
STORE 24	37' x 48'	1,776 SF
STORE 25	37' x 48'	1,776 SF
STORE 26	37' x 48'	1,776 SF
STORE 27	37' x 48'	1,776 SF
STORE 28	37' x 48'	1,776 SF
TOTAL		184,518 SF

THIS DRAWING HAS BEEN REVISED ON JANUARY 3, 2005
TO REFLECT COMMENTS BY YORK COUNTY.

IF REQUIRED BY YORK COUNTY, A BUS STOP WILL BE
INSTALLED AT A NATURALLY APPROPRIATE LOCATION.

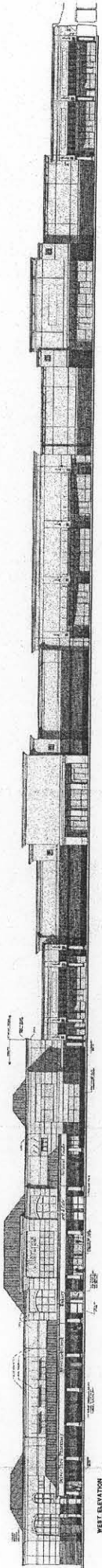
THE PROJECT WILL BE SUBJECT TO AN OVERALL
RECIPROCAL EASEMENT AGREEMENT ADDRESSING THE
MULTIPLE JOINT ACCESS EASEMENTS.

IF MINIMUM PARKING REQUIREMENTS ARE EXCEEDED,
ADDITIONAL LANDSCAPING WILL BE INSTALLED IN THE
PARKING LOT OR ON ITS PERIMETER AS REQUIRED BY
THE ZONING ORDINANCE.

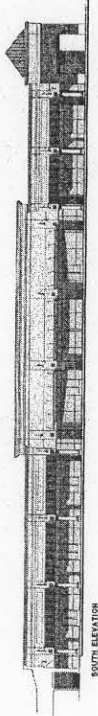
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PLANNING DIVISION

VHB
Vanasse Hangen Brustlin, Inc.

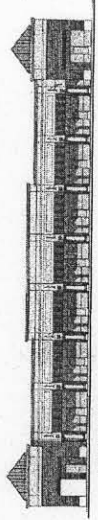
Transportation
and Development
Environmental Services



WEST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

WILLIAMSBURG MARKETCENTER
YORK COUNTY, VIRGINIA



RECEIVED
NOV 1 - 2004
PLANNING COMMISSION
YORK COUNTY, VIRGINIA

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
John R. Davis
Frederick W. Harvell

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A RETAIL CENTER OF MORE THAN
80,000 SQUARE FEET OF GROSS FLOOR AREA AT 6500 (PORTION)
AND 6690 MOORETOWN ROAD

WHEREAS, Tidewater Development Company, LLC has submitted Application No. UP-652-05, which requests a Special Use Permit, pursuant to Section 24.1-466(h) of the York County Zoning Ordinance, to authorize a retail center of more than 80,000 square feet of gross floor area located at 6500 (portion) and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-34 (portion) and 2-19-B3; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the _____ day of _____, 2005 that Application No. UP-652-05

be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a retail center of more than 80,000 square feet of gross floor area subject to the following conditions:

1. This use permit shall authorize a retail center of more than 80,000 square feet of gross floor area located at 6500 (portion) and 6690 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-34 (portion) and 2-19-B3.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "Williamsburg Marketcenter, Mooretown Road and State Route 199, York County, Virginia, Special Use Permit Conceptual Plan," prepared by VHB, dated November 30, 2004, and received by the Planning Division on January 4, 2005, and building elevation titled "Williamsburg Marketcenter," prepared by Freeman Morgan Architects, received by the Planning Division November 1, 2004.
3. Freestanding identification signage for the retail center (exclusive of outparcels) shall be limited to a single monument sign. Fascia materials used on the sign shall match that of the proposed building façade.
4. Free standing and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval at time of application for site plan approval.
5. The applicant shall be responsible for the construction of a County approved gravity sewer system and associated pumping station to serve the retail center if deemed necessary by the Environmental and Development Services Chief of Utilities.
6. To accomplish screening of the parking lot, a minimum 10-foot wide planting area shall be installed along the northeastern border of the proposed outparcels on the retail center parcel. Plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h), and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular access/egress easements. Any plantings removed for future access to outparcels shall be replaced or relocated within the remaining areas of these planting beds.

7. Notwithstanding provisions of Section 24.1-376(e)(2) of the County Zoning Ordinance, there shall be no reduction of the 200-foot watershed management and protection stream buffer associated with Queen Creek. ~~and its' tributaries.~~ Reduction of the normally applicable 200-foot buffer along the tributary stream forming the eastern boundary of the property (and downstream of the stormwater management pond) shall be permitted in accordance with all applicable provisions of Section 24.1-376(e)(2) provided that all runoff from the subject site is directed to this or another properly designed stormwater management facility.
8. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road.
9. The proposed access to the site shown between outparcel #5 and #6 on the conceptual plan referenced above is not approved pursuant to this Special Use Permit. Such access may be approved in conjunction with site plan approval if, satisfactory to the Plan Approving Agent, the Zoning Administrator and the Virginia Department of Transportation, adequate justification is provided establishing a need for the access as a matter of public safety and addressing the criteria set forth in Section 24.1-252(3)(b) of the Zoning Ordinance.
10. The proposed "potential future outparcel" shown at the southern corner of the site is not associated with this application, and approval of this Special Use Permit does not imply current or future approval of the subdivision.
11. The applicant shall make available direct access between the retail center parking lot and future outparcels as may be subdivided in the area labeled "outparcels #4, #5, #6 and #7 on the conceptual plan referenced above. An access/egress easement shall be established parallel to the northeastern border of these outparcels at time of their subdivision approval.
12. A joint access/egress easement as shown on the conceptual plan referenced above between the Home Depot parcel (Assessor's Parcel No. 2-19-B1) and the subject site shall be established at time of site plan approval. Location and design of such easement shall be subject to the approval of the Plan Approving Agent.
13. Any required landscaping installed on the Home Depot parcel removed for redevelopment of the joint access area referenced in Condition #13 above shall be relocated or replaced on the home Depot Parcel in the immediate area of the easement or in such other location determined appropriate by the Plan Approving Agent.
14. At the time of subdivision approval, a restricted access easement satisfactory to the Plan Approving Agent shall be established parallel to Mooretown Road across the entire frontage of the parcels subject to this Special Use Permit identified as Assessor's Parcel Nos. 2-19-B3 and 2-34 (portion).

15. Calculation of minimum required parking spaces shall be exclusive of spaces utilized for cart storage uses.
16. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
17. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Index File

UP-654-05

Apple Door Systems

1625 Merrimac Trail (Route 143)

Assessor's Parcel No. 15-10-3

Description:

This application requests a Special Use Permit to authorize a contractor's shop with outdoor storage. The property is located at 1625 Merrimac Trail (Route 143).

Attachments:

1. Staff Report
2. Zoning map
3. Sketch Plan
4. Proposed Resolution No. PC05-2

COUNTY OF YORK

MEMORANDUM

DATE: December 29, 2004 (PC Mtg. 1/12/05)

TO: York County Planning Commission

FROM: Earl W. Anderson, Planner

SUBJECT: Application No. UP-654-05, Apple Door Systems

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance, to authorize approximately 1,500-square feet of outdoor storage yard in conjunction with a contractor's office/shop. The subject parcel is located at 1625 Merrimac Trail (Route 143) and is further identified as Assessor's Parcel No. 15-10-3.

DESCRIPTION

- Property Owner: Rebecca H. Briggs, with representative Tim A. Mills
- Location: 1625 Merrimac Trail (Route 143)
- Area: 0.69 acre
- Frontage: Approximately 100 feet along Merrimac Trail (Route 143)
- Utilities: The property is currently served by public water and sewer
- Topography: Sloping down from Merrimac Trail to detention area at rear of lot
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: Developed parcel with 5,000 square foot building.
- Surrounding Development:
 - North and East: Jack Rabbit Self Storage
 - South: CSX Railroad across Merrimac Trail, with Busch properties beyond
 - West: Vacant land
- Proposed Development: Outdoor storage in conjunction with proposed contractor's office/shop.

CONSIDERATIONS/CONCLUSIONS

1. The Comprehensive Plan designates this area for General Business, and the property is zoned GB – General Business. While the contractor's shop is a use permitted by right in the GB district, outside storage requires approval of a Special Use Permit. Currently, the property is being used by Williamsburg Appliance for appliance sales/household items repair, both allowed by right in the GB district. Apple Door Systems proposes to occupy the existing 5,000 square foot building as a garage door and custom door sales and installation contractor's office/shop with approximately 1,500 square feet of outdoor storage area to be located to the rear of the office/shop building.
2. With the proposed change in use to Apple Door Systems, the applicant submitted a sketch plan modifying the building interior to create a 1,250 square foot showroom, a 1,250 square foot office, a 1,250 square foot workshop, and 1,250 square feet of inside warehousing. The requirement for parking for the remodeled building interior would be ten spaces, which the applicant has outlined on the sketch plan (five spaces in the front and five spaces in the rear). If no remodeling is done, then the requirement for parking would be eleven spaces for the existing 3,546 square feet of showroom/office area and 1,454 square feet of warehouse space (according to the County's Real Estate Assessment records). A condition has been included in the approving resolution to require the minimum parking requirement per square footage of use to be met or exceeded.
3. The land uses directly abutting the property are commercial in nature (vacant commercial parcel and mini-warehouse facility) with existing residential property to the northwest of the subject parcel. The proposed outdoor storage area would be located approximately 150 feet from existing dwellings in the Carver Gardens subdivision. Currently, there is an existing open six-foot chain link fence along the northwest property line, which turns southeast connecting into the building at the southwest corner. The applicant has proposed installing slats in the fence to create opaque screening, and a condition to this effect has been included in the approving resolution.

Currently there is a rolling slatted chain link gate which can be pulled to screen the entrance drive to the rear portion of the lot. To screen views into the rear of the lot (the proposed outdoor storage area) from Merrimac Trail, a condition has been included to require the rolling gate to remain closed at all times except when employees and delivery vehicles need to access the rear of the lot.

Along the eastern border with Jack Rabbit mini storage, the property is adequately screened by the warehouse building on the Jack Rabbit parcel; however, if the mini-storage were to be removed no screening would be in place on the eastern and northern sides of the parcel. A condition has been included to require installation of screening if the building is removed, in addition to other conditions to address the screening of the outside storage area.

4. The applicant has proposed to augment the existing landscaping on the lot by adding landscaping to the existing plantings within the front yard along Merrimac Trail. Existing plantings will be supplemented with a mix of evergreen and deciduous shrubs. Conditions addressing the landscape yards have been included.

RECOMMENDATION

Based on the considerations outlined above, staff recommends that the Commission forward Application No. UP-654-05 to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC05-2.

Attachments

- Zoning Map
- Sketch Plan parking and landscaping (received December 21, 2004)
- Proposed Resolution No. PC05-2

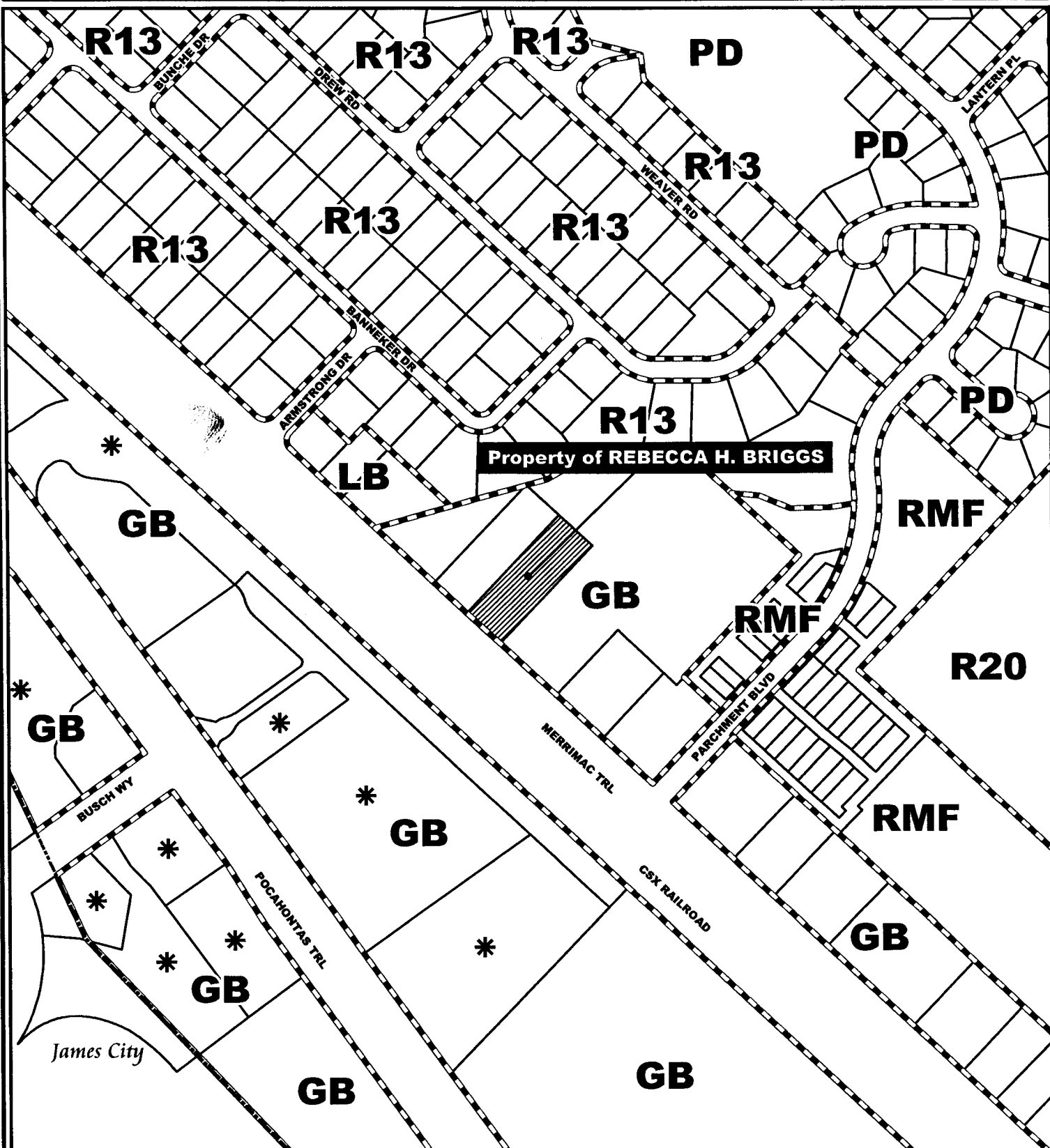
EWA

APPLICANT
Apple Door Systems

To authorize a contractor's shop with outdoor storage
1625 MERRIMAC TRL

ZONING MAP

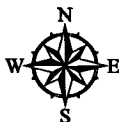
APPLICATION NUMBER: UP-654-05



* = Conditional Zoning

0 150 300 600 Feet

Printed on December 20, 2004



LIBRARY TILE NUMBER:

Lr007

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

APPEE DOOR S.U.P.

N/F NAG
(A VA. GENERAL PARTNERSHIP)

ENCROACHMENT 11.8'

20' DRAINAGE
& UTILITIES
BASEMENT

EXISTING 6' HIGH
CHAIN-LINK
FENCE,
SCREENING TO
BE ADDED.
(SLATS)

LOT 2

5 SPACES

NOTE: LOT LIES IN
F.I.R.M. ZONE "X"
ACCORDING TO
COMMUNITY PANEL
#510182 0030B
DATED 12/16/88

DETENTION
POND

LOT 1
30.00' x 100.00' = 45'
0.6' x 100.00' = 45'
1/2

ASPHALT

1 STORY
METAL
BUILDING

4 SPACES @ 9'
14' x 5' x 13' ASPHALT

RECORD
PB 11

5 SPACES

AREA OF
POTENTIAL
OUTDOOR STORAGE

RECEIVED

DEC 21 2004

PLANNING DIVISION
COUNTY OF YORK

N/F NAG
(A VA. GENERAL PARTNERSHIP)

EXISTING 6' HIGH
ROLLING GATES
WITH SCREENING
(2EA.)

ENCROACHMENT 8.5'

AREA OF
LANDSCAPE
IMPROVEMENTS
TO RESTRICTED ACCESS
BASEMENT

N 45° 20' 00" W 100.00'

10246-04 MERRIMAC TRAIL S.R. 143 Rev 1. 12/21/04
TAM CONSULTANTS INC. SKETCH PLAN 11-29-04

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
John R. Davis
Frederick W. Harvell

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AN OUTDOOR STORAGE YARD ASSOCIATED WITH A CONTRACTOR'S SHOP AT 1625 MERRIMAC TRAIL.

WHEREAS, Apple Door Systems has submitted Application No. UP-654-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance to authorize a 1,500 square foot outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2005 the Application No. UP-654-05 be, and

it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize 1,500 square feet of outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3, subject to the following conditions:

1. This use permit shall authorize approximately 1,500 square feet of outdoor storage yard associated with a contractor's shop on a 0.69-acre parcel of land located at 1625 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-10-3.
2. The outside storage area shall be located within the rear yard of the parcel and screened with six-foot high opaque fence constructed of materials as approved by the Zoning Administrator. Until such time as the adjacent mini-storage warehouse building is removed, no additional fencing or landscaping shall be required along the northern and eastern property lines. At such time as the building is demolished, a six-foot high opaque fence with additional landscape plant screening pursuant to Section 24.1-486 shall be installed with a planting spacing of no more than 10 (ten) feet on center.
3. Off-street parking shall be provided in accordance with the Zoning Ordinance, *Article VI. Off-Street Parking and Loading*. All parking spaces in the rear shall be defined to separate the spaces from the outdoor storage area.
4. The rolling gate shall remain closed at all times except when employee or delivery vehicle traffic would prevent closure.
5. Existing trees and shrubs on the property shall be maintained to the maximum extent possible. Existing landscaping at the front building perimeter and fencing shall not be removed except with permission from the Zoning Administrator and only if replaced with landscaped plantings approved by the Zoning Administrator.
6. Existing plantings within the front yard area shall be supplemented with a mix of evergreen and deciduous shrubs meeting the requirements of Zoning Ordinance Section 24.1-242 (h).
7. Contractor's equipment and materials (excluding vehicles) kept within the storage area shall not exceed the height of the surrounding fencing.
8. In accordance with the Building Officials Code of America; National Fire Prevention Code, contractor's materials stored outside shall not be stored closer than 15 feet from any lot line or building on the property.
9. Materials stored outside on the property shall be limited to those associated with a garage and custom door sales and installation contractor's business, and shall

not include junk, solid waste, construction debris or hazardous waste as defined in Chapter 19, Section 19.1 and/or Chapter 24, Section 24.1-104 of the County Code. In addition, the storage yard shall comply with the performance standards under Section 24.1-486.

10. Vehicles stored on the property shall be limited to light-duty cars, trucks and vans associated with the garage and custom door sales and installation contractor's business, and shall not include heavy construction equipment or vehicles.
11. All site lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at any property line. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). Freestanding lighting fixtures shall be fitted with high-pressure sodium lamps.
12. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Index File

UP-655-05

FF Acquisition, LLC

Merrimac Trail (Route 143)

Assessor's Parcel No. 10-5-2

Description:

This application requests a Special Use Permit to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center, ancillary to the existing Farm Fresh grocery store.

Attachments:

1. Staff Report
2. Zoning map
3. Concept Plan
4. Gas pump facility rendering
5. Farm Fresh building rendering
6. Proposed Resolution No. PC05-3

COUNTY OF YORK

MEMORANDUM

DATE: December 29, 2004 (PC Mtg. 1/12/05)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. UP-655-05, FF Acquisition, L.L.C.

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162). The proposed gas pumps would be ancillary to the existing Farm Fresh grocery store. The property, further identified as Assessor's Parcel No. 10-5-2, is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Commonwealth Associates York County
- Location: 455A Merrimac Trail (Route 143)
- Area: Approximately 0.25-acre portion of a 7.34-acre parcel.
- Frontage: The parcel has approximately 640 feet of frontage along Merrimac Trail.
- Utilities: Public water and sewer
- Topography: Relatively flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: Farm Fresh Shopping Center
- Surrounding Development:

North: None

East: Vacant parcel; Queenswood subdivision beyond

South: Family Dollar shopping center

West: D.A.V. Thrift Store, Advance Auto Parts store, and Hardee's restaurant (across Merrimac Trail)

- Proposed Development: Automobile fuel dispensing facility with four pumps and eight fueling stations.

CONSIDERATIONS/CONCLUSIONS

1. Since 1981 Farm Fresh has operated a grocery store in a shopping center on Merrimac Trail (Route 143). The store is currently under renovation that entails the construction of a brick exterior as well as converting the existing open canopy area in front of the store into enclosed store space. Including the area that is currently under renovation, Farm Fresh occupies approximately 67,000 square feet of the 85,000 square foot shopping center. Other businesses in the shopping center include a pizza delivery shop, a hair salon, a nail salon, a tax preparation service, an exercise studio, a self-serve laundry, a video rental store, a carpet store, and a check cashing business.
2. In March 2004 the Board of Supervisors adopted a series of Zoning Ordinance amendments pertaining to gas stations, car washes, and car dealerships. These amendments grew out of a concern raised by the Route 17 Revitalization Committee about the adverse effect of abandoned gas stations on the aesthetic quality of the County's major corridors, particularly Route 17, and a belief that some GB-zoned areas simply are not suitable for auto-related uses under any conditions. In addition to requiring a Special Use Permit for gas stations in the GB zoning district, the Board amended the performance standards to require the removal of gas pumps, pump islands, canopies, and underground tanks associated with gas stations and car washes that have been out of business for nine (9) consecutive months.
3. Merrimac Trail is a primarily commercial corridor with most of the abutting land, including the subject parcel, designated in the Comprehensive Plan for General Business development in recognition of existing development. Accordingly, the property is zoned GB (General Business). The nearest residential structures are single-family detached homes in the Queenswood subdivision approximately 200-270 feet behind the shopping center and a townhouse development approximately 630 feet to the north in the City of Williamsburg.
4. In conjunction with the ongoing upgrades to the site, Farm Fresh proposes to construct a four-pump automobile fuel dispensing facility (8 fueling stations) ancillary to the grocery store. This appears to be a growing trend in the retail industry, as evidenced by the gas facilities at various Wal-Mart stores (including the Tabb store), and Sam's Club stores as well as three local Farm Fresh stores in Hampton, Norfolk, and Chesapeake. Under the "Fuel Express at Farm Fresh" program, Farm Fresh customers receive a discounted gas price (up to 15 gallons) for purchasing various designated items in the store. After making their purchase, customers can go to the gas pumps, scan their ticket, and receive the discounted price. An employee would be stationed at the gas facility while it is in operation (6:00 AM until 9:00 PM daily) to assist customers as necessary but not to accept payments or make change.

Rather, all purchases would be handled electronically either by credit card at the pump or by inserting bills into a “cash acceptor” that issues change in the form of a credit voucher that can be used on future purchases. Although oriented specifically to Farm Fresh customers, the gas facility would be open to others as well; however, they would not receive the discounted price.

5. As shown on the applicant’s conceptual plan, the gas facility would be located in the under-utilized southern area of the existing parking lot. The parking lot has two driveways on Merrimac Trail, the northern one of which will be redesigned as a “right turn in/right turn out only” entrance/exit. The applicant’s reason for this redesign is to avoid having to construct a left turn lane along Merrimac Trail in this location, where there is currently not enough storage capacity to accommodate the number of left turns. Traffic turning into the shopping center from eastbound Merrimac Trail will have to use the southern entrance, which has a left turn lane. Another proposed modification to the parking lot is the construction of a drive aisle running between the two existing driveways, which will, in staff’s opinion, improve the somewhat circuitous traffic circulation on the site. This change, plus the installation of additional traffic islands and the construction of the gas facility itself, would result in the elimination of approximately 44 existing parking spaces, leaving the shopping center with 352 parking spaces, fourteen (14) more than the Zoning Ordinance requires.
6. The applicant has submitted a traffic impact analysis of the proposed gas pump facility. According to the traffic study, the gas facility is estimated to generate approximately 96 trips (48 in and 48 out) in the AM peak hour and 110 trips (55 in and 55 out) in the PM peak hour. It should be noted that these estimates are based on the average trip rates published in the Institute of Transportation Engineers’ (ITE) *Trip Generation* manual (7th Edition) for gas stations that do not have convenience stores but that may have accessory facilities for motor vehicle service and repair. Since the proposed gas pumps would have no ancillary facilities whatsoever, staff feels the actual traffic impact will be below the average for a standard stand-alone gas station. Furthermore, it is likely that a significant proportion of the gas pump users will be Farm Fresh customers taking advantage of the gas discounts available specifically to them. Even though these conservative assumptions tend to overstate the traffic impact, the traffic study indicates that the proposed gas facility would not have a significant impact on peak-hour delays at the southern entrance while delays at the northern entrance would *decrease* as a result of its reconfiguration. The impact on the Level of Service (LOS) on Merrimac Trail also would not be significant, in staff’s opinion. According to the Hampton Roads Planning District Commission’s traffic model for the region, this segment of Merrimac Trail currently operates at an acceptable Level of Service (LOS C) in both the AM and PM peak hours and is projected to continue to do so for at least another 20 years.¹
7. Most of the parcel is located within a Chesapeake Bay Resource Management Area (RMA); therefore, any additional development will be subject to the provisions of the

¹ Hampton Roads Planning District Commission, *Hampton Roads 2026 Regional Transportation Plan: Technical Document, Appendices*, (June 2004), p. 95.

Environmental Management Area (EMA) overlay district. Ordinarily the stormwater management requirement in Chesapeake Bay Preservation Areas is that the post-development non-point source pollution runoff load may not exceed the pre-development load; however, because the proposed gas pump facility involves redevelopment of a developed site, the site will need to be engineered such that the existing non-point source pollutant load will be *reduced* by at least 10%. In fact, the installation of additional landscape islands will more than offset the landscaping that would be lost during the redevelopment process so that there will actually be a net *decrease* in impervious surface. Because the property is located in the EMA overlay district, the applicant will be required to submit a Natural Resources Inventory as part of its site plan submission if this application is approved.

8. According to the rendering submitted by the applicant, the gas pump facility would have brick columns with a green roof, matching the appearance of the Farm Fresh store (once the renovation is complete). As shown on the concept plan, additional shade trees planted in the landscape islands would partially screen views of the facility from Merrimac Trail and enhance the overall appearance of the parking lot. The gas pump facility would not be permitted to have its own freestanding sign, and none has been requested. Also, pursuant to Section 24.1-475(d) of the Zoning Ordinance, no signage would be permitted on the canopy. (The applicant has indicated that, unrelated to this application, the existing pole sign for Farm Fresh will be replaced with a more attractive monument sign as part of the overall renovation of the store.)

RECOMMENDATION

Staff is of the opinion that the proposed gas pump facility is an appropriate use in this location. By utilizing existing entrances only, the proposed facility is consistent with the access management goals of the Comprehensive Plan and the Zoning Ordinance, and Merrimac Trail has sufficient surplus capacity to accommodate the increased traffic with no discernible deterioration in Level of Service. In the event that the fueling operation is discontinued, the recent Zoning Ordinance amendments requiring the removal of gas pumps, pump islands, canopies, and tanks will ensure that the gas facility will not become an eyesore as other abandoned gas stations have. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC05-3.

TCC

Attachments

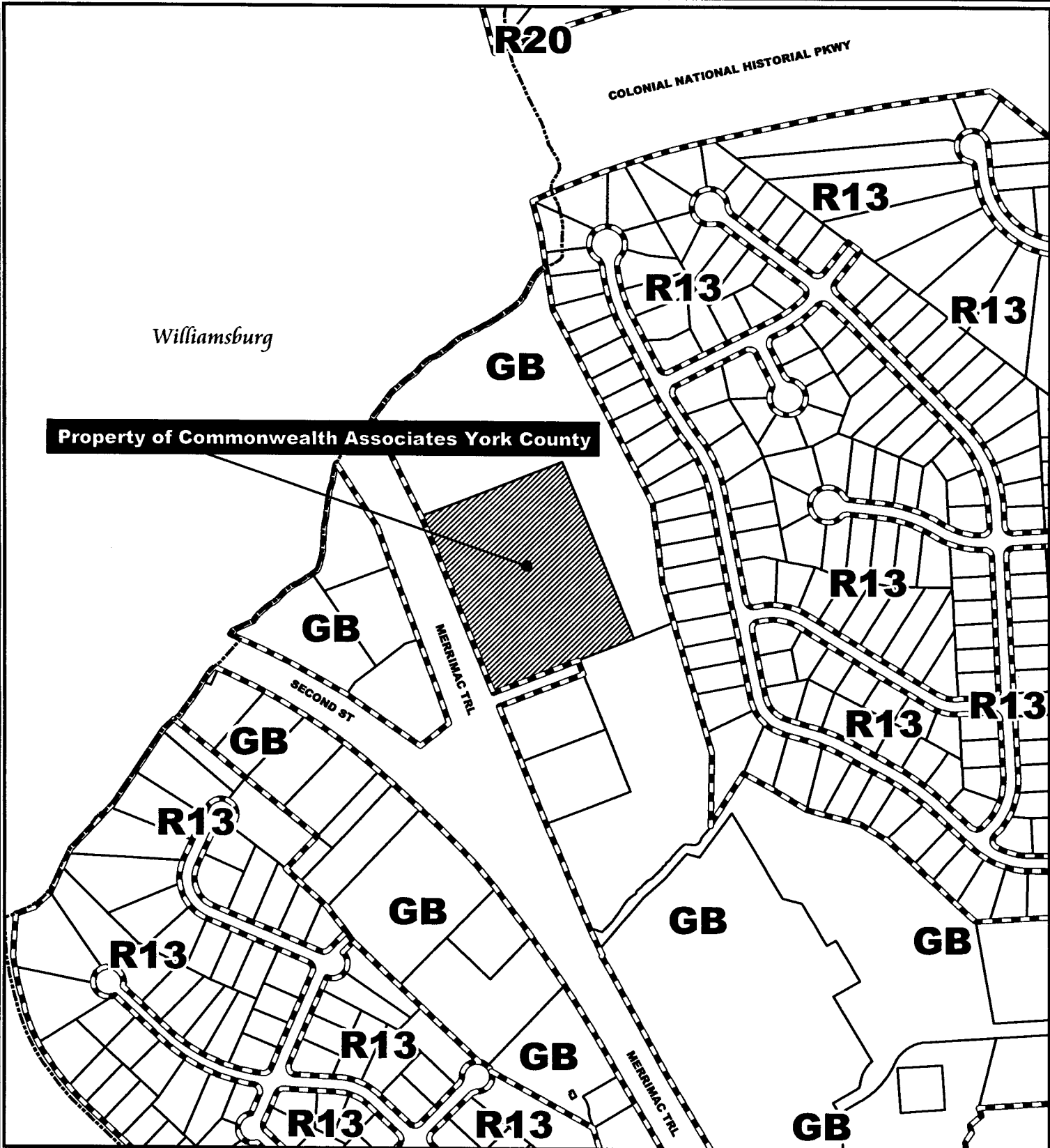
- Zoning Map
- Concept Plan
- Gas pump facility rendering
- Farm Fresh building rendering
- Proposed Resolution No. PC05-3

APPLICANT
FF Acquisition, LLC

Seeks to construct a four-pump gas dispensing facility
455 MERRIMAC TRL

ZONING MAP

APPLICATION NUMBER: UP-655-05



* = Conditional Zoning
0 225 450 900 Feet



LIBRARY TILE NUMBER: Lr006
SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

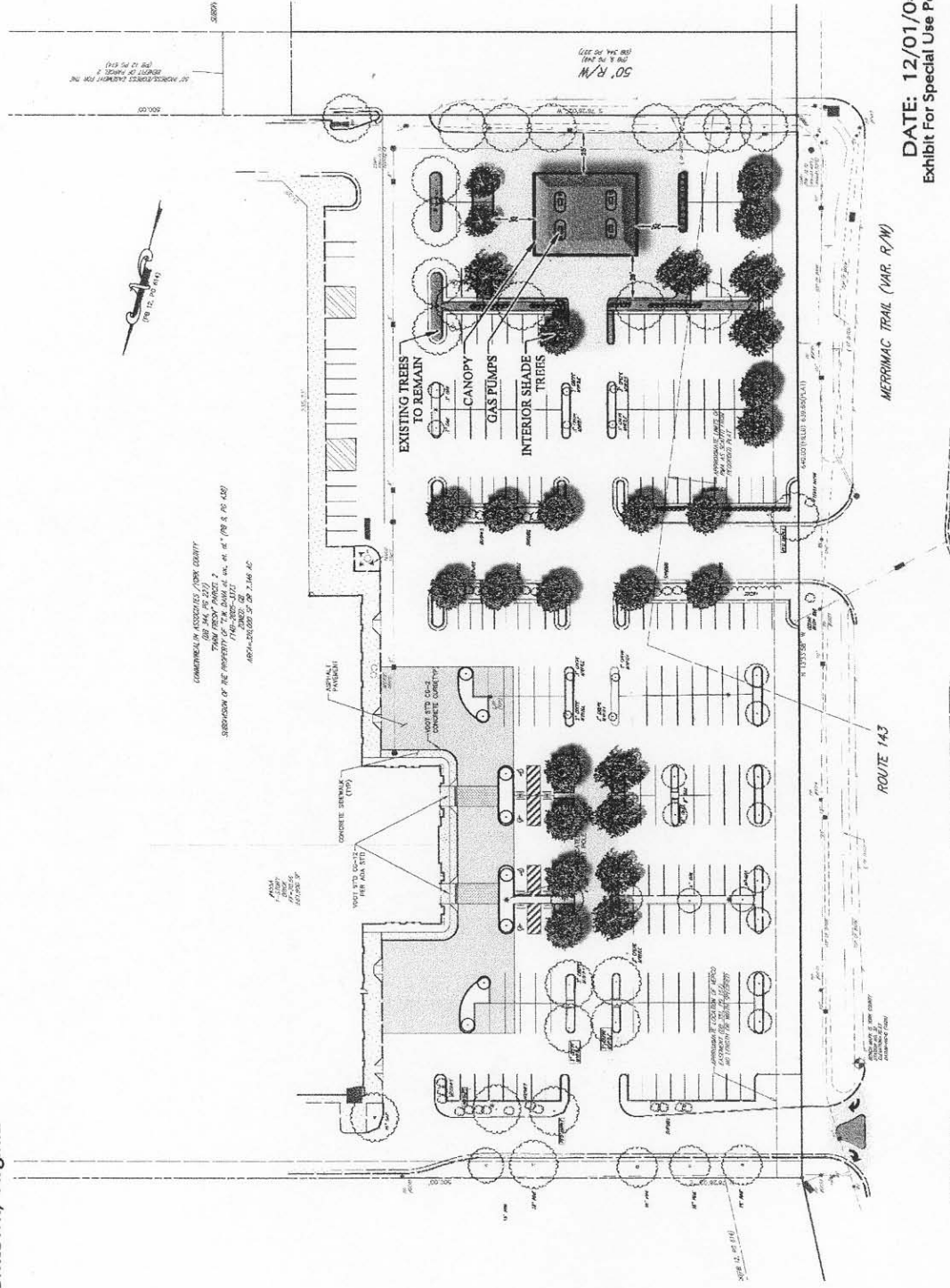
THIS IS NOT A LEGAL PLAT.
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not suitable for detailed site planning.

Printed on December 15, 2004

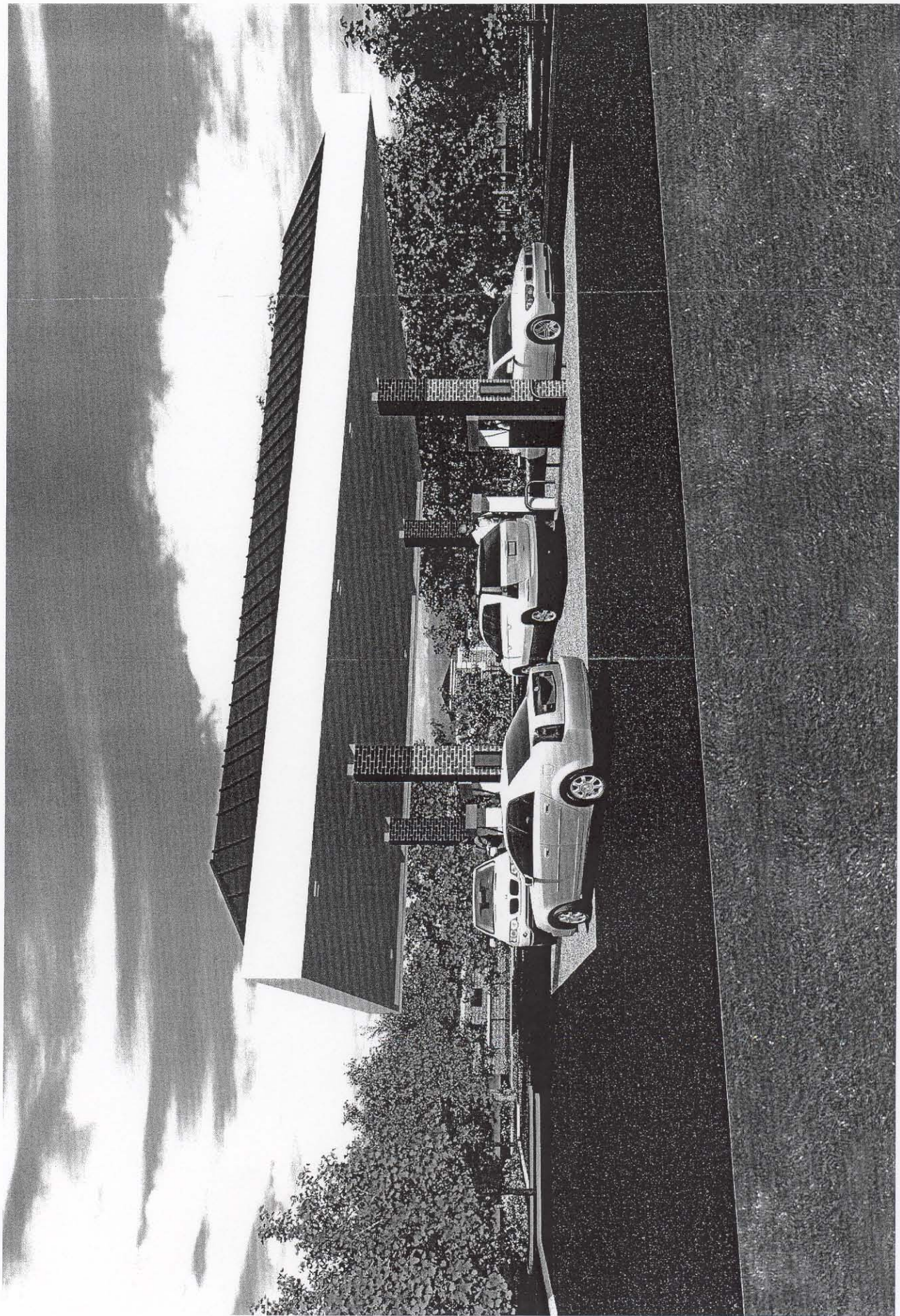
Conceptual Site Layout & Landscape Plan Of

455A Merrimac Trail

Yorktown, Virginia



DATE: 12/01/04
Exhibit For Special Use Permit





PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
John R. Davis
Frederick W. Harvell

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A FOUR-PUMP AUTOMOBILE FUEL DISPENSING FACILITY AS PART OF THE FARM FRESH SHOPPING CENTER LOCATED AT 455A MERRIMAC TRAIL (ROUTE 143)

WHEREAS, FF Acquisition, L.L.C. has submitted Application No. UP-655-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2005 that Application No. UP-655-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a four-pump (8 fueling station) automobile fuel dispensing facility as part of an existing shopping center on a 7.34-acre parcel of land located at 455A Merrimac Trail (Route 143) approximately 350 feet north of the intersection of Merrimac Trail and Second Street (Route 162) and further identified as Assessor's Parcel No. 10-5-2.
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction activities on the site. Said site plan shall be in substantial conformance with the plan titled "Conceptual Site Layout & Landscape Plan of Farm Fresh #321 Gas Pumps," prepared by MSA, P.C. and dated December 1, 2004.
3. The automobile fuel dispensing facility shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-477, *Standards for auto fuel dispensing establishments, service station and auto repair garages*, of the Zoning Ordinance.
4. No construction activity or parking lot modifications that would reduce the number of parking spaces below the minimum number required for the shopping center, as set forth in Section 24.1-606 of the Zoning Ordinance, shall be permitted.
5. An employee shall be present on-site at all times while the gas pump facility is in operation and open for business.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.